

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON HOLLADY and
DURAND CLINIC, P.C.,

Petitioners,

CASE NO. 07-15300

v.

PEOPLE OF THE STATE OF MICHIGAN,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Respondent.

/

ORDER DENYING PETITIONER'S REQUEST TO FILE A REPLY

On December 12, 2007, petitioner Jason Hollady filed a *pro se* application for the writ of habeas corpus under 28 U.S.C. § 2254. The habeas petition challenged Petitioner's state convictions and sentence for health care fraud. On January 7, 2008, the Court summarily dismissed the habeas petition on the grounds that (1) Petitioner was no longer in custody for the conviction under attack and (2) the one-year statute of limitations had expired. Currently pending before the Court is Petitioner's request for an opportunity to file a reply to the Court's Opinion and Order dismissing his habeas petition. Petitioner seeks to demonstrate that equitable tolling applies to the one-year limitations period.

Petitioner's request [Doc. 4, Jan. 22, 2008] essentially seeks reconsideration of the Opinion and Order dismissing his habeas petition. Under Local Rule 7.1(g)(3)(E.D. Mich. Dec. 1, 2005), a party is entitled to reconsideration only if he can show that the Court and the parties were misled by a palpable defect and that correcting the defect will result in a different disposition of the case.

Even if the Court erred in summarily dismissing Petitioner's case on the basis of the statute of limitations, the fact remains that Petitioner is not in custody for the convictions under attack. Thus, reconsideration of the Court's ruling on the statute-of-limitations issue would not result in a different disposition of this case, and Petitioner's request is DENIED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: February 6, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 6, 2008.

s/Denise Goodine

Case Manager